

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MASAYA OGURA) : Examiner: A. Skibinsky
Application No.: 10/659,300) : Group Art Unit: 1631
Filed: September 11, 2003) :
For: INFORMATION)
PROCESSING METHOD AND :
SYSTEM USING MEDICAL)
EXAMINATION DEVICE AS :
MEDIUM) : October 15, 2007 (Monday)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

Applicant has received a Notice of Abandonment dated September 14, 2007 indicating that the above application became abandoned because no response to the February 26, 2007 Office Action has been received by the Patent Office. However, a response was timely filed as set forth below and therefore, Applicant hereby petitions the Commissioner under 37 CFR 1.181(a) to withdraw the Notice Of Abandonment and to restore the above-identified abandoned application to pending status.

Applicant respectfully submits that a response to the February 26, 2007 Office Action was timely filed, on May 29, 2007 (Tuesday after Memorial Day). In this regard, Applicant's representative filed, by facsimile transmission (copy of the 16-page facsimile attached as Exhibit A), an Amendment in response to the Office Action. The Amendment included a signed and dated Certificate Of Transmission indicating transmission of the Amendment on May 29, 2007. Applicant received an Auto-Reply Facsimile Transmission from the Patent Office indicating that all 16 pages were received on May 29, 2007 (copy of Auto-Reply attached as Exhibit B).

The Notice of Abandonment also indicates that "Damond Vadnais . . . was contacted regarding the abandonment." This statement appears misleading. In particular, Mr. Vadnais did receive a voicemail message from the Examiner responsible for the application indicating that a response to the Office Action had not been received. However, Mr. Vadnais contacted the Examiner and indicated that a response to the Office Action had been filed. The Examiner indicated, however, that the Notice of Abandonment had already issued.

In view of the foregoing, Applicant requests that the Notice of Abandonment be withdrawn and the application be returned to pending status.

No fee is believed to be due for this Petition. However, should a fee be deemed necessary, the Commissioner is hereby authorized to charge Deposit Account No. 50- 3939.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Gregory S. Weaver, #53,751/

Gregory S. Weaver
Attorney for Applicant

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 1622091v1

EXHIBIT A

FITZPATRICK, CELLA, HARPER & SCINTO

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FACSIMILE COVER SHEET

TO: Examiner: Anna Skibinsky
Group Art Unit: 1631

FROM: Damond E. Vadnais, Reg. No. 52,310

RE: U.S. Application No. 10/659,300
Attorney Docket No. 03599.000076.

FAX NO.: (571) 273-8300

DATE: May 29, 2007 **NO. OF PAGES:** 16
(including cover page)

TIME: 6:28 P.M. **SENT BY:** LS

MESSAGE

Attached are the following papers for the above-identified application:

1. Amendment; and
2. Transmittal for Amendment.

I hereby certify that this correspondence is being facsimile transmitted via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300, on:

May 29, 2007

(Date of Deposit)

Damond E. Vadnais, Reg. No. 52,310

(Name of Attorney for Applicant)



Signature

May 29, 2007

Date of Signature

**IF YOU DO NOT RECEIVE ALL THE PAGES
PLEASE CALL 714-540-8700 AS SOON AS POSSIBLE.**

Note: We are transmitting from a Canon Model FAX-L770
(compatible with any Group I, Group II or Group III machine).

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In re Application of:

MASAYA OGURA

Application No.: 10/659,300

Filed: September 11, 2003

Docket No.

03599.000076.

Examiner: Anna Skibinsky

Group Art Unit: 1631

For: INFORMATION PROCESSING METHOD AND
SYSTEM USING MEDICAL EXAMINATION
DEVICE AS MEDIUM

Date: May 29, 2007 (Tuesday following
Memorial Day Holiday)

Mail Stop Amendment
THE COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	20	MINUS	25	= 0	x \$25 \$50	\$0.00
INDEP. CLAIMS	10	MINUS	10	= 0	x \$100 \$200	\$0.00
Fee for Multiple Dependent claims \$180°/\$360						\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$0.00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- Verified Statement claiming small entity status is enclosed, if not filed previously.
- A check in the amount of \$_____ is enclosed.
- Charge \$_____ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.
- Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.
- A check in the amount of \$_____ to cover the fee for a _____ month extension is enclosed.
- A check in the amount of \$_____ to cover the Information Disclosure Statement fee is enclosed.
- Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Damond E. Vadnais
Attorney for Applicant
Registration No.: 52,310

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